

Attorney Docket No. 65857-0094
Serial No. 10/029,853

PATENT

REMARKS

Applicants have carefully reviewed the Office Action dated November 5, 2003 (Paper No. 10) and thank Examiner Hook for the detailed review of the pending claims. Claims 1, 3-4, 6, 10 and 13 have been amended. Claim 5 has been canceled and claims 14-19 have been withdrawn. Therefore, by this Amendment, claims 1-4 and 6-13 remain pending. Applicants respectfully request reconsideration of the present application in view of the following remarks.

Detailed Action

Claim 5 has been canceled, thus any objections to claim 5 are now moot.

As suggested by the Examiner and supported by the Specification, claim 10 has been amended to reflect the proper spelling of ester and claim 13 has been amended to reflect the proper spelling of antidegradants.

Claim Rejection under 35 U.S.C. §102(b)

Claims 10-13 were rejected under 35 U.S.C. §102(b) as being anticipated by Rosecrans. Applicant respectfully traverses the rejection.

Rosecrans discloses a flexible hose 38 including an elastomer inner tube 40. The inner tube 40 includes carbon black, stabilizers, lubricating agents, processing and cross-linking agents. However, as admitted by the Examiner, the Rosecrans reference does not disclose the use of a dye containing urethane deposited over the elastomer inner tube 40.

As amended, independent claim 10 includes the limitation of a dye containing urethane deposited over the wall of the hose. The additional layer of urethane allows for improved abrasion resistance by smoothing the surface of the hose so that the hose does not catch on rough surfaces. *See Specification page 4, lines 5-9.* Improved abrasion resistance may be useful to prevent the hose from catching on sharp objects. This is particularly beneficial during installation when the hose may come into contact with rough surfaces or sharp edges. Accordingly, the Rosecrans reference does not teach all the claim limitations of Applicant's claimed invention as required by 35 U.S.C. §102(b). Withdrawal of the rejection is respectfully requested.

Applicant respectfully submits that since claims 11-13 depend directly from independent claim 10, the rejections pertaining to claims 11-13 are overcome in view of the amendments and

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above comments. Claims 11-13 therefore are allowable for at least the same reasons as claim 10.

Claim Rejection under 35 U.S.C. §103(a)

Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rosecrans in view of Lalikos. Applicant respectfully traverses the rejection.

The Rosecrans reference discloses a hose 38. In order to produce the desired strength characteristics required to resist the internal pressures within hose 38, the percentage, by weight, of the cross-linked chlorinated polyethylene is between 30% and 70%. *See generally col. 5, lines 9-15.* Moreover, the Rosecrans reference discloses that in order to achieve the desired physical characteristics for hose 38, the percentage of the cross-linked chlorinated polyethylene with respect to the complete hose composition is significant. *See col. 4, lines 55-60.* In contrast, Applicant's amended claim 1 is directed towards an inner tubular portion made of a chlorinated polyethylene polymer, and the chlorinated polyethylene polymer has a percentage, by weight, less than 30% of the material composition of the tubular portion. Specifically, Applicant discloses a tubular portion having 90-100 parts by weight of chlorinated polyethylene polymer (CPE). *See Specification page 5, line 6.* Applicant discloses the tubular portion has a material composition including approximately 330 parts by weight. *See Specification page 5, lines 6-38.* Therefore, Applicant's claimed invention teaches a tubular portion made of chlorinated polyethylene having a percentage, by weight, of less than 30%. Applicant has found that the base polymer of chlorinated polyethylene allows for higher temperature resistance. Additionally, blending two different plasticizers, one being polymeric based and the other being ester based, provides substantial high and low temperature resistance. *See Specification page 4, lines 13, 20-22.* Thus, the Rosecrans reference teaches away from Applicant's claimed invention.

Accordingly, the Rosecrans reference, singularly or in combination with the Lalikos reference fails to disclose all the claim limitations of Applicant's claimed invention as required under 35 U.S.C. §103(a). Withdrawal of the rejection is respectfully requested.

Applicant respectfully submits that since claims 2-7 depend directly or indirectly from independent claim 1, the rejections pertaining to claims 2-7 are overcome in view of the amendments and above comments. Claims 2-7 therefore are allowable for at least the same reasons as claim 1.

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Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rosecrans in view of Lalikos as applied to claims 1-7 and in further view of Kemper. Applicant respectfully traverses the rejection.

As stated above, the Rosecrans reference, taken singularly or in combination with Lalikos and Kemper, fails to disclose all of the claim limitations of Applicant's claimed invention as required under 35 U.S.C. §103(a). Specifically, Rosecrans fails to disclose an inner tubular portion made of a chlorinated polyethylene polymer, and the chlorinated polyethylene polymer has a percentage, by weight, less than 30% of the material composition of the tubular portion, as positively recited in Applicant's amended claim 1. Applicant respectfully submits that since claim 8 depends indirectly from claim 1 and claim 9 depends directly from claim 1, the rejections pertaining to claims 8 and 9 are overcome in view of the amendments and above comments. Claims 8 and 9 therefore are allowable for at least the same reasons as claim 1.

The Office Action cited several patents made of record but not relied upon. Applicant has carefully reviewed the patents and found them to be no more relevant than those cited by the Examiner.

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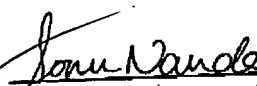
CONCLUSION

It is believed that no additional fees are due with respect to this paper. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

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